

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

ANGELIQUE KINCAID, individually and as the)
natural mother and next friend of SPANNIESHA)
JOHNSON, a minor child,)

Plaintiff,)

v.)

Case No. 09-CV-00350-WDS-DGW

CITY OF EDWARDSVILLE, an Illinois Municipal)
Corporation; TIMOTHY GALLION, City of)
Edwardsville Police Officer, in his individual and)
official capacity; JAMES MURRAY, City of)
Edwardsville Police Officer, in his individual and)
official capacity; ERIC JONES, City of)
Edwardsville Police Officer, in his individual and)
official capacity; IMAGE RECOVERY SERVICE,)
INC., a Missouri Corporation; and)
AMERICREDIT FINANCIAL SERVICES, INC.,)
a Delaware Corporation,)

Defendants.)

AMERICREDIT FINANCIAL SERVICES, INC.,)

Cross-Plaintiff)

v.)

IMAGE RECOVERY SERVICE, INC., a)
Missouri corporation,)
Cross-Defendant.)

**MOTION OF AMERICREDIT FINANCIAL SERVICES, INC. TO DISMISS
CROSS-CLAIM AGAINST IMAGE RECOVERY SERVICE, INC.**

Defendant/Cross-Plaintiff, AMERICREDIT FINANCIAL SERVICES, INC.

("AmeriCredit"), by its attorneys, David J. Frankel and the law firm of Sorman & Frankel, Ltd.,
respectfully requests this that Court enter an Order dismissing AmeriCredit's Cross-Claim (the

“Cross-Claim”) against Defendant/Cross-Defendant, IMAGE RECOVERY SERVICE, INC., a Missouri corporation (“Image”), *instantly*. In support thereof, AmeriCredit states as follows:

1. AmeriCredit is one of the Defendants in the above-captioned proceedings.
2. AmeriCredit filed its Cross-Claim against Image on July 15, 2009.
3. Since that time, all issues in dispute between AmeriCredit and Image, as set forth in the Cross-Claim, have been resolved.
4. As such, and based on the foregoing, AmeriCredit respectfully requests that this Court enter an Order dismissing the Cross-Claim, *instantly*.
5. This motion is not brought for any improper purpose, and granting AmeriCredit the relief requested herein will cause neither delay to these proceedings nor prejudice to the parties.

WHEREFORE, Defendant/Cross-Plaintiff, AmeriCredit Financial Services, Inc., respectfully requests this Court to enter an Order dismissing AmeriCredit’s Cross-Claim against Defendant/Cross-Defendant, Image Recovery Service, Inc., *instantly*; and for such other, further and different relief as this Court deems just and proper.

Dated: September 16, 2009.

Respectfully submitted,

AMERICREDIT FINANCIAL SERVICES, INC.,
Defendant/Cross-Plaintiff,

By: /s/ David J. Frankel
One of its attorneys

David J. Frankel, Esq. (#6237097)
Sorman & Frankel, Ltd.
203 North LaSalle Street, Suite 2350
Chicago, Illinois 60601
(312)332-3535
(312)332-3545 (facsimile)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

ANGELIQUE KINCAID, individually and as the)
natural mother and next friend of SPANNIESHA)
JOHNSON, a minor child,)

Plaintiff,)

v.)

Case No. 09-CV-00350-WDS-DGW

CITY OF EDWARDSVILLE, an Illinois Municipal)
Corporation; TIMOTHY GALLION, City of)
Edwardsville Police Officer, in his individual and)
official capacity; JAMES MURRAY, City of)
Edwardsville Police Officer, in his individual and)
official capacity; ERIC JONES, City of)
Edwardsville Police Officer, in his individual and)
official capacity; IMAGE RECOVERY SERVICE,)
INC., a Missouri Corporation; and)
AMERICREDIT FINANCIAL SERVICES, INC.,)
a Delaware Corporation,)

Defendants.)

AMERICREDIT FINANCIAL SERVICES, INC.,)

Cross-Plaintiff)

v.)

IMAGE RECOVERY SERVICE, INC., a)
Missouri corporation,)

Cross-Defendant.)

CERTIFICATION OF SERVICE BY ELECTRONIC FILING AND MAIL

The undersigned certifies and states that I caused the foregoing Motion of AmeriCredit Financial Services, Inc. to Dismiss Cross-Claim Against Image Recovery Service, Inc., to be served upon the party(ies) listed below by electronic filing and notice and by placing a copy of same in an envelope, properly addressed, with proper postage affixed thereon, and depositing

said envelope in the United States Mail located at 203 North LaSalle Street, Chicago, Illinois 60601, prior to 5:00 p.m. this 16th day of September, 2009.

/s/ David J. Frankel

SUBSCRIBED AND SWORN TO
before me this 16th day of September, 2009

/s/ Samantha Brand
NOTARY PUBLIC

SERVICE LIST

Counsel for Plaintiff:

Penni S. Livingston, Esq.
Livingston Law Firm
5701 Perrin Road
Fairview Heights, Illinois 62208

Counsel for City of Edwardsville, Timothy Gallion

James Murray and Eric Jones:

Christine M. McClimans, Esq.
Schrempf, Blaine, et al.
307 Henry Street, Suite 415
P.O. Box 725
Alton, Illinois 62002

Counsel for Image Recovery Service, Inc.:

Brian R. Plegge, Esq.
Margaret L. Fowler, Esq.
Moser & Marsalek
200 North Broadway, Suite 700
St. Louis, Missouri 63102-2730